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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,706	01/19/2005	Paulus Cornelis Neervoort	NL 020773	2618

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EXAMINER

DHILLON, MANJOT K

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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10/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/521,706	Applicant(s) NEERVOORT ET AL.	
	Examiner Malina K. Dhillon	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to applicant's response filed on September 9th, 2007. Applicant amends claims 7 and 8, adds claims 10- 17, and responds to rejections. Claims 1-17 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Norman et al. (US 5,702,305). The reference signs below are Norman's corresponding elements to the claimed elements.

Referring to claims 1 and 7-9 Norman et al. teaches a method of playing a game by means of a game element **14**, the method comprising the steps of:

- placing the game element **14** on a first location relative to a game board (col. 6, ln. 34);
- determining, by the game board, the first location of the game element **14** (col. 3, ln. 16);
- determining, by the game board, a first information item representing game content, wherein said first information item is dependent on said location and a first game being played (col. 2, ln. 50);
- transferring, by the game board, the first information item to the game element **14** (col. 2, ln. 45);
- and receiving and presenting said first information item on the game element **14** (col. 2, ln. 59).

Referring to claims 2 and 7 Norman et al. teaches a method as claimed in claim 1, characterized in that the step of determining the first location of the game element **14** comprises the steps of:

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- transmitting, by at least one transmitter located on the game element **14**, at least one signal identifying said game element **14** (col. 2, ln. 50);
- receiving, by at least one sensor located on the game board, at least one identifying signal (col. 2, ln. 50);
- and determining, by the game board, the first location based on at least one identifying signal (col. 6, ln. 32).

Referring to claim 3, Norman et al. teaches a method according to claim 1, characterized in that the method further comprises the steps of:

- removing the game element **14** from the first location (col. 3, ln. 16);
- and placing the game element **14** in a second location relative to the game board (col. 3, ln. 16).

Referring to claim 4, Norman et al. teaches a method according to claim 1, characterized in that the method further comprises the step of:

- receiving a second information item representing a second game being played (col. 3, ln. 51).

Referring to claim 5, Norman et al. teaches a computer system for performing the method according to claim 1 (col. 6, ln. 51).

Referring to claim 6, Norman et al. teaches a computer program product comprising program code means stored on a computer-readable medium for performing the method of claim 1 when the computer program is run on a computer (col. 7, ln. 20).

Concerning claim 10, Norman et al. teaches the first location is on a playing field of the game board (column 3, lines 1-20).

6. Claims 11, 12, 14 and 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Norman et al. (US 5,702,305) in view of Golad (US 6231441 B1).

The patent to Golad teaches a computer game device. While Norman et al. teaches a control unit for receiving, monitoring and compiling game data and statistics, Norman et al lacks specifically teaching a user's desire to play a second game, and indicating rules of a game have been broken.

Concerning claim 11, Norman et al. teaches means for transmitting a signal that informs the game board that the game element is being used in a game (column 2, lines 33-65). Golad also teaches informing a game board that the game element is being used (column 3, lines 54-67).

Concerning claim 12, Golad teaches comprising means for receiving input that is indicative of a user's desire to play to a second game (column 3, lines 9-20).

Concerning claim 14, Norman et al. teaches the game content reflects a status of the game and the sensed first location of the game element and is to be presented by the game element (column 2, lines 33-55). Golad also teaches game content being displayed based on the location of the game element (column 3, lines 21-26).

Concerning claim 17, Golad teaches comprising means for transmitting a message to the game element indicating that a rule of the game has been broken based upon the first location of the game element (column 3, line 54 – column 4, line 27).

It would have been obvious to combine Norman et al.'s electronic game system with Golad's computer game device because all the claimed elements were known in

the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

7. Claims 13, 15, and 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Norman et al. (US 5,702,305) in view of Lam (US 6190174 B1).

The patent to Lam discloses an electronic story board. While Norman et al. teaches a control unit for receiving, monitoring and compiling game data and statistics, Norman et al lacks specifically teaching physically connecting the game element to the game board, specifically identifying the game element and determining the location coordinates of the game element relative to a fixed point.

Concerning claim 13, Lam teaches comprising means for physically connecting the game element to the game board (column 3, lines 11).

Concerning claim 15, Lam teaches means for receiving a signal that identifies the game element, wherein the means for determining the first location of the game element determines the location of the game element based upon the received signal (column 3, lines 25-44).

Concerning claim 16, Lam teaches means for determining the first location of the game element determines location coordinates of the game element, wherein the location coordinates are defined relative to a fixed point on the game board (column 4, lines 5-34).

It would have been obvious to combine Norman et al.'s electronic game system with Lam's electronic story board because the substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Response to Arguments

8. Applicant's arguments filed 9/4/07 have been fully considered but they are not persuasive. Applicant states Norman et al. does not disclose determining the first location of the game element. However, Norman et al. meets this limitation by teaching as the player moves, game data changes (col. 3, lines 17-18). This means that position of the game element is determined in order for game data to change due to position change. Further, Norman et al. discloses each personal display unit is capable of allowing the individual player to monitor the individual's personal game status as well as means for obtaining additional data, help, clues, or in planning future tactical moves with regard to the game being played (col. 2, lines 1-55). In order for the display units to help planning future tactical moves, location of the game element must be determined. Norman further discloses the common view area shows the area surrounding a player and can be seen as a direct view of virtual image (col. 3, lines 7-20). Location of the game element is determined if area surrounding the player can be viewed.

9. Applicant states Norman et al. does not disclose the game board (or a control unit therein) determining a location of a personal data unit. Norman et al. discloses a plurality of personal display unites in communication with a control unit embedded in a

centrally located game board (col. 6, lines 30-37). The control unit controls the personal display units and determines location of the game elements as previously pointed out.

10. Applicant states Norman et al. fails to disclose determining, by the game board, a first information item representing game content, wherein said first information item is dependent of said location and a first game being played. Norman et al. discloses each personal display unit is capable of allowing the individual player to monitor the individual's personal game status as well as means for obtaining additional data, help, clues, or in planning future tactical moves with regard to the game being played (col. 2, lines 1-55). In order for the display units to help planning future tactical moves, location of the game element must be determined.

11. Applicant states there is no disclosure in Norman, et al. of determining a location of a personal display unit in the physical world, much less doing so based upon a signal that identifies the personal display unit (equated to the claimed game element) to a central control unit (equated to the claimed game board). The game element as described by Norman et al. relates to both the personal display unit and the virtual piece as controlled by the personal display unit. The transmitter located on the game element, is the personal display unit and the location determined is of the direct view or virtual image that occurs thorough the personal display unit (column 2, lines 56-60). The virtual images occur on the game board. Monitoring the location of a personal display unit in the physical world is not what is being claimed. The claim language interpretation is stated above.

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12. Applicant states the game board is not disclosed as determining the location of a personal data unit in the physical world. Again, determining the location of a personal data unit in the physical world is not in the claim language. The game element is interpreted to be a combination of the personal display unit and the virtual piece, which is placed on the game board as discussed above.

13. Even if the claims were interpreted as stated in arguments by applicant, the claims would be obvious as evidenced by Norman et al. in view of Lam (US 6190174 B1) or Norman et al. in view of Golad (US 6231441 B1). The patent to Lam discloses an electronic story board that has physical pieces that are monitored based on location. Lam teaches the physical piece sending data to the control unit (column 3, lines 1-44).

14. The claims are also obvious as evidenced by Norman et al. in view of Golad (US 6231441 B1). The patent to Golad discloses a computer game device. Golad teaches having a physical playing piece and monitoring the location of the player's piece, suggesting future moves, and indicating an incorrect move (column 3, line 21- column 4, line 27).

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Malina K. Dhillon whose telephone number is (571) 270-1297. The examiner can normally be reached on Mon. - Thurs., 7 AM - 6 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Malina K. Dhillon



ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER